

REMARKS

Claims 1 and 3-5 are pending in the present application. Claims 1, 3 and 5 are herein amended. Support for the amendments is detailed below. Applicants' undersigned representative thanks Examiner Tapolcai for the courtesies extended during the interview of January 30, 2006. Applicants' separate record of the substance of the interview is set forth herein.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103:

Claims 1 and 3-5 stand rejected under 35 U.S.C. §103 as being unpatentable over **Eybergen**. In response thereto, applicants have amended claim 1 to more distinctly claim the subject matter regarded as the invention. First, applicants have clarified the limitation in regard to the maximum flow rate. Specifically, applicants have clarified that the maximum valve lift is set so that the flow rate does not exceed 1.4 times the value of a set tonnage. As discussed in the course of the interview, the limitation of the flow rate being set at a maximum value equal to 1 to 1.4 times a flow rate corresponding to a set tonnage was found confusing by the Examiner. Hence, the amended limitation more clearly excludes the remainder of stroke above 1.4 times the refrigeration ton from the presently claimed value. As detailed in the specification from page 12, line 7 to page 16, line 7 and Figs. 2-5B, this limitation reduces the amount of noise which will be produced on start up. Applicants respectfully submit that the cited art does not teach or suggest this limitation.

Further, applicants have amended claim 1 to include the limitation that the holder 22 is fixed and cannot affect the maximum valve lift. Applicants respectfully submit that this

limitation is not set forth in **Eybergen** and would not be obvious in light thereof. Specifically, applicants note that **Eybergen** teaches a holder 30 which is threaded 29 to the lower housing 18. Further, **Eybergen** teaches: “[R]otation of cap 30 in threads 29 serves to adjust the preload of spring 36 on diaphragm 20 as desired.” See column 3, lines 19-21. This function is directly related to a utility of the invention of **Eybergen** which is to provide “... a value which may be calibrated and tested for leakage prior to final assembly.” Column 2, lines 40-43. Hence, the maximum valve lift of **Eybergen** is directly affected by the position of the holder.

This teaching by **Eybergen** is counter to applicants’ teaching that the holder 22 is set so as so as not to affect the maximum valve lift. **Eybergen**’s disclosure is similar to the prior art designation of Figure 5A. The holder 122 abuts the center disk 117 and thus affects the stroke S. Since the holder’s 117 position is manipulated it off sets the maximum valve lift limits required to reduce noise.

Further, **Eybergen** teaches away from this limitation of amended claim 1. **Eybergen** requires an adjustable holder. As detailed above, the holder 30 of **Eybergen** is adjustable so as to define the maximum valve lift by tension of the spring 36. Hence, **Eybergen** does not require maximum valve lift set by abutment of the center disk with the lower housing. In other words, applicants’ valve has a fixed maximum valve lift set by the lower housing/disk abutment. Contrary, **Eybergen** must have an adjustable valve to allow for calibration and testing. Wherefore, applicants respectfully submit that **Eybergen** does not teach nor suggest the limitation that the holder is fixed and non-adjustable.

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Amendment under 37 C.F.R. §1.114

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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